

OPINIONS PER CURIAM, ETC., FROM APRIL 11, TO
MAY 29, 1905.

No. 204. MIKE HERNAN, PLAINTIFF IN ERROR, *v.* THE STATE OF TEXAS. In error to the Court of Criminal Appeals of the State of Texas. Submitted April 7, 1905. Decided April 17, 1905. *Per Curiam*. Judgment affirmed with costs. *Noble v. Mitchell*, 164 U. S. 367, 372; *Osborne v. Florida*, 164 U. S. 650; *Murray v. Gibson*, 15 How. 425. Case below, 77 S. W. Rep. 225. *Mr Cecil H. Smith, Mr. Amos L. Beaty and Mr Wm. P. Ellison* for plaintiff in error. *Mr C. K. Bell* for defendant in error.

No. 216. H. C. LANE *v.* WILLIAM E. BENNER. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit. Argued April 13 and 14, 1905. Decided April 17, 1905. *Per Curiam*. Second question answered in the negative, on authority of *Knepper v. Sands*, 194 U. S. 476. *Mr Wm. P. Jewett* for Lane. *Mr John H. King and Mr. M. B. Davis* for Benner.

No. 493. CHICAGO AND WESTERN INDIANA RAILROAD COMPANY, PLAINTIFF IN ERROR, *v.* THOMAS NEWELL. In error to the Supreme Court of the State of Illinois. Motions to dismiss or affirm submitted April 10, 1905. Decided April 17, 1905. *Per Curiam*. Dismissed for the want of jurisdiction. *Equitable Life Assurance Society v. Brown*, 187 U. S. 308, 311; *Bethell v. Demaret*, 10 Wall. 537, 540; *Oxley Stave Company v. Butler County*, 166 U. S. 648, 653; *Harding v. Illinois*, 196 U. S. 78, 96, *Railroad Company v. Brown*, 17 Wall. 445, 450; *Railroad Company v. Barron*, 5 Wall. 104; Ill. Stat., 3 Starr and Curtis, 3247, c. 114, par. 53; *Railway Company v. Hart*, 209 Illinois, 414, *Glenn v. Garth*, 147. U. S. 368, *Bacon v.*

Texas, 163 U. S. 207, 216. Case below, 72 N. E. Rep. 416. *Mr George W Kretzinger* for plaintiff in error. *Mr. Harvey Lantz* for defendant in error.

No. 544. LEE LOOK, APPELLANT, *v.* FRANK H. ROSS, JR., SHERIFF OF SANTA CLARA COUNTY, CAL. Appeal from the District Court of the United States for the Northern District of California. Motions to dismiss or affirm submitted April 10, 1905. Decided April 17, 1905. *Per Curiam*. Final order affirmed with costs. *Lee Look v California*, 195 U. S. 623; *Markuson v. Boucher*, 175 U. S. 184, *People v Lee Look*, 143 California, 216. *Mr. A. H. Jarman* for appellant. *Mr. James H. Campbell* for appellee.

No. 513. ROBINSON AND WATSON, ET AL., PLAINTIFFS IN ERROR, *v.* W. J. WINGATE, COUNTY JUDGE OF ORANGE COUNTY, TEX., ET AL. In error to the Court of Civil Appeals of the First Supreme Judicial District of the State of Texas. Motions to dismiss or affirm submitted April 17, 1905. Decided April 24, 1905. *Per Curiam*. Dismissed for the want of jurisdiction. *Ozley Stave Company v Butler County*, 166 U. S. 648; *Erne Railroad Company v Purdy*, 185 U. S. 148, *Harding v Illinois*, 196 U. S. 78. Case below, 80 S. W. Rep. 1067, 83 S. W. Rep. 182. *Mr Thomas H. Clark* for plaintiffs in error. *Mr Rebel Lee Robertson* for defendants in error.

No. 534. EDWARDS SANFORD HATCH, APPELLANT, *v.* HENRY B. KETCHAM, TRUSTEE IN BANKRUPTCY, ETC. Appeal from the United States Circuit Court of Appeals for the Second Circuit. Motions to dismiss or affirm submitted April 17, 1905. Decided April 24, 1905. *Per Curiam*. Dismissed for the want of jurisdiction, on the authority of *Holden v Stratton*, 191 U. S. 115. *Mr John C F Gardner* for appellant. *Mr Benjamin N. Cardozo* for appellee.

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Opinions Per Curiam, Etc.

No. —, Original. *Ex parte*: IN THE MATTER OF OLI NIFOU, PETITIONER. Submitted April 10, 1905. Decided May 1, 1905. Motion for leave to file petition for writs of *habeas corpus* and *certiorari* denied. Mr Gilbert F Little for petitioner. The Attorney General and The Solicitor General opposing.

No. 435. NICK GURVICH *v.* THE UNITED STATES. On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit. Submitted May 1, 1905. Decided May 1, 1905. *Per Curiam*. On the authority of *Rassmussen v United States*, 197 U. S. 516, the question is answered that the District Court of the United States for the District of Alaska, division No. 1, erred in compelling the plaintiff in error to go to trial before a jury composed of only six persons. No appearance for Gurvich. The Attorney General and The Solicitor General for the United States.

No. 398. JOHN C. ORRELL ET AL., PLAINTIFFS IN ERROR, *v.* THE BAY MANUFACTURING COMPANY. In error to the Supreme Court of the State of Mississippi. Motion to dismiss submitted May 15, 1905. Decided May 29, 1905. *Per Curiam*. Dismissed for the want of jurisdiction, on the authority of *Schlosser v Hemphill*, 198 U. S. 173. Mr E. M. Barber, Mr Frederic D McKenney, Mr Wayne MacVeagh, Mr J. S. Flannery and Mr William Hitz for plaintiffs in error. Mr E. J. Bowers for defendant in error.

No. 431. IGNACIO ROSALES Y CUELI, PLAINTIFF IN ERROR, *v.* DOLORES MOYA Y RODRIGUEZ, GUARDIAN, ETC., ET AL. In error to the District Court of the United States for the District of Porto Rico. Motion to dismiss submitted April 24, 1905. Decided May 29, 1905. *Per Curiam*. Dismissed for the want of jurisdiction. *Royal Insurance Company v Martin*, 192

U. S. 149; *Railroad Company v Hopkins*, 130 U. S. 210; *Filhis v Maurice*, 185 U. S. 108, *Louisville and Nashville Railroad Company v Louisville*, 166 U. S. 709; *Harrison v Morton*, 171 U. S. 38. *Mr Frederic D McKénney, Mr Wayne MacVeagh and Mr J S. Flannery* for plaintiff in error. *Mr George H. Lamar* for defendants in error.

No. 588. EDWARD W SHOESMITH, APPELLANT, *v.* H. MEYER BOOT AND SHOE MANUFACTURING COMPANY ET AL. Appeal from the District Court of the United States for the Northern District of Illinois. Motion to dismiss submitted May 15, 1905. Decided May 29, 1905. *Per Curiam*. Dismissed for want of jurisdiction. *McLish v Roff*, 141 U. S. 661, *Maynard v Hecht*, 151 U. S. 324, *United States v Jahn*, 155 U. S. 109, 113; *Louisville Trust Company v Knott*, 191 U. S. 225, 232. *Mr William R. Payne* for appellant. *Mr Gwynn Garnett* for appellees.

No. —, Original. *Ex parte*: IN THE MATTER OF BENJAMIN F McCAULLY, PETITIONER. Submitted May 29, 1905. Decided May 29, 1905. Motion for leave to file petition for writs of *habeas corpus* and *certiorari* denied. *Mr Arthur A. Birney* and *Mr. Henry F. Woodard* for petitioner.

*Decisions on Petitions for Writs of Certiorari from
April 11 to May 29, 1905.*

No. 598. PETER CAHILL, OWNER, ETC., PETITIONER, *v.* NORRIS AND CUMINGS DREDGING COMPANY; and No. 599. PETER CAHILL, OWNER, ETC., PETITIONER, *v.* ANNIE OLSEN, ADMINISTRATRIX, ETC. April 17, 1905. Petitions for writs of *certiorari* to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr James J Macklin* and *Mr.*